

## APPENDIX.

## Petitions and Memorials.

Petition from numerous citizens of Dallas County asking for support of the following bills:

The Governor's Bill for Prison relocation and reorganization.

The appropriation for a new building for the Girls' School at Gainesville.

An adequate appropriation for the School for Delinquent Negro Girls.

(Telegram.)

Galveston, Texas, May 10, 1927.

Hon. Barry Miller, Lieutenant Governor and others, care Texas Senate, Austin, Texas:

Many thanks to you all for my appointment as page. Do not think I will be able to accept this session.

JOHN L. DARROUZET, Jr.

## Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared, and find the same correctly enrolled and have this day at 10:40 o'clock a. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

## THIRD DAY.

Senate Chamber,

Austin, Texas,

May 11, 1927.

The Senate met at 10:00 o'clock p. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Moore.
Bowers.	Neal.
Fairchild.	Parr.
Floyd.	Pollard.
Greer.	Price.
Hall.	Real.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Witt.
Miller.	Woodward.

## Absent.

Bailey.  
Bledsoe.  
Reid.

Westbrook.  
Wirtz

Absent—Excused.

Stuart.

Wood.

Prayer by the Chaplin.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

## Petitions and Memorials.

(See Appendix.)

## Bills and Resolutions.

By Senator Pollard:

S. B. No. 13, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of three million dollars per year, or so much thereof as may be necessary, etc., and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators Woodward, Ward:

S. B. No. 14, A bill to be entitled "An Act amending Section 3a of Chapter 274 of the General Laws of the Regular Session of the Fortieth Legislature, so as to insert therein a saving clause in reference to offenses committed before this act takes effect so that Section 3a as amended shall read as follows:

"Section 3-a. In all cases tried under the provisions of this Act, it shall be the duty of the court to define "malice aforethought" and shall apply that term by appropriate charges to the facts in the case and shall instruct the jury that unless from all the facts and circumstances in evidence the Jury believes the defendant was prompted and acted with his malice aforethought, they cannot assess the punishment at a period longer than five years; provided, however, that no offense committed prior to the taking effect of this act, shall be affected hereby, whether an indictment has been returned or not, but in every such case the offender may be proceeded against and punished under the law as it existed prior to the

taking effect of this act, the same as if this act had not been passed, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

#### Senate Bill No. 5.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 5, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College, of Texas, State Experimental Stations; the North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; the University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce; North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College; South Texas State Teachers College; Southwest Texas State Teachers College; Sul Ross College; West Texas Teachers College; Texas School for the Blind and School for the Deaf; for years beginning September 1, 1927, and ending August 31, 1929, and declaring an emergency."

The bill was read second time.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 25, by inserting between lines 18 and 19 the following:

"Rodent Control, to be matched by Federal Appropriation \$7000.00 each year."

WOOD, Chairman.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 34, by inserting between lines 23 and 24 the following:

For the use of the Agricultural Experiment Station of the Agricultural and Mechanical College of

Texas at the Angleton and Beeville Substations and for use in co-operative work in the Gulf Coastal region in connection with truck and fruit insect investigation and other investigations of researches having relation to these industries:

For the year ending August

31, 1928 .....\$7500.00

For the year ending August

31, 1929 .....\$7500.00

The amendment was read and adopted.

Senator Pollard sent up the following amendment:

Amend Senate Bill No. 5, page 35, line 14, by adding the following:

"To aid in the study and propagation of tomatoes, roses shrub-berries, overgreens, pecans, peaches, strawberries, blackberries and other fruits and nursery products, and to aid in combating diseases affecting the same, for Troup and Nacogdoches, the sum of .....\$5,000 \$5,000

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 58, by inserting between lines 29 and 30 the following:

Professor of Woodwork .....\$1800.00 each year

The amendment was read and adopted.

Senator Fairchild sent up the following amendment:

Amend S. B. No. 5 by striking out all of lines 26, 27, 28 and 29 on page 50 of the printed bill and inserting in lieu thereof the following:

"For the purchase of virgin State forest land lying in the Longleaf pine section of the State the following sum when matched by a similar sum donated either publicly or privately from any source, the money herein appropriated to be used at any time during either of the fiscal years ending August 31, 1928, or August 31, 1929 .....\$35,000.00

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 59, line 12 by striking out the figures \$2000.00 and insert in lieu thereof \$1800.00 for each year.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 59, by inserting between lines 13 and 14 the following:

Associate Professor of Biology -----  
\$1800.00 each year

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 60, by inserting between lines 8 and 9 the following:

Associate Professor of English -----  
\$1800.00 each year

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 64 by inserting between lines 17 and 18 the following:

Animal Husbandry -----  
\$1,000.00 each year

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 64, by inserting between lines 22 and 23, the following:

Poultry maintenance -----  
\$250.00 each year

The amendment was read and adopted.

Senator Price sent up the following amendment:

Amend Senate Bill No. 5, page 61, by striking all of lines 5 and 6.

The amendment was read and failed to be adopted.

Senator McFarlane sent up the following amendment:

Amend Senate Bill No. 5, line 7, page 46, by inserting the following:

For replacing barn and equipment recently burned, for year ending August 31, 1928 ----- \$3000.00

The amendment was read and adopted.

On the motion of Senator McFarlane the above amendment was reconsidered and withdrawn.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 104, by striking out all of lines 20 to 32, inclusive, all of page 105, and lines 1 to 19, inclusive, on page 106, and inserting in lieu thereof the following:

#### College of Mines and Metallurgy.

	For the Years Ending	
	August 31 1928	August 31 1929
Salaries of:		
Biological Sciences:		
1. Professor -----	\$ 3,000.00	\$ 3,000.00
Business Administration and Social Sciences:		
2. Professor of History -----	3,000.00	3,000.00
3. Professor Business Administration -----	2,400.00	2,400.00
4. Associate Professor -----	2,250.00	2,250.00
Chemistry:		
5. Professor -----	3,400.00	3,400.00
6. Adjunct Professor -----	2,400.00	2,400.00
7. Assistant -----	250.00	250.00
Education:		
8. Professor & Director of Teacher Training..	3,000.00	3,000.00
9. Adjunct Professor -----		2,400.00
English and Public Speaking:		
10. Professor -----	3,000.00	3,000.00
11. Adjunct Professor -----	2,400.00	2,400.00
12. Instructor -----	2,000.00	2,000.00
Engineering and Mathematics:		
13. Professor -----	4,000.00	4,000.00

	For the Years Ending	
	August 31 1928	August 31 1929
14. Associate Professor .....	2,400.00	2,400.00
15. Instructor (Jan. to Sept. 1927) .....	2,000.00	2,000.00
16. Instructor & Physical Director (Sept. to Dec. 1926) .....		
Geology and Mining:		
17. Professor .....	3,400.00	3,400.00
18. Associate Professor .....	2,500.00	2,500.00
Metallurgy:		
19. Professor .....	3,400.00	3,400.00
20. Assistant .....	250.00	250.00
Modern Languages:		
21. Associate Professor .....	2,250.00	2,250.00
22. Instructor .....	2,000.00	2,000.00
Physical Training:		
23. Physical Director and Instructor where needed .....	2,400.00	2,400.00
Administration:		
24. Dean and Professor .....	2,000.00	2,000.00
25. Registrar and Teacher .....	2,400.00	2,400.00
26. Stenographer .....	1,500.00	1,500.00
27. Librarian .....	2,000.00	2,000.00
28. Power Plant Engineer .....	1,400.00	1,400.00
29. Janitor .....	900.00	900.00
30. Night Watchman .....	900.00	900.00
31. Power Plant Attendant .....	250.00	250.00
32. Hot Water Plant Attendant .....	200.00	200.00
33. Student Janitors (two) .....	560.00	560.00
Total Salaries .....	\$ 63,810.00	\$ 66,210.00
Departments and Laboratories:		
34. Biological Sciences .....	950.00	950.00
35. Business Administration & Social Sciences .....	2,500.00	2,500.00
36. Chemistry .....	3,500.00	3,500.00
37. Education .....	1,000.00	1,000.00
38. Engineering and Mathematics .....	1,500.00	1,500.00
39. Geology and Mining .....	2,000.00	2,000.00
40. Metallurgy .....	1,500.00	1,500.00
Total Departments and Laboratories .....	\$ 12,950.00	\$ 12,950.00
Current Expenses:		
44. Office Expenses .....	1,500.00	1,500.00
45. Library .....	5,000.00	5,000.00
46. Printing .....	600.00	600.00
47. Campus .....	750.00	750.00
48. Fuel, Light and Water .....	5,000.00	5,000.00
49. Incidental Expenses .....	150.00	150.00
50. Janitors Supplies .....	500.00	500.00
51. Equipment and Furniture .....	1,500.00	1,500.00
52. Repairs .....	1,500.00	1,500.00
Total Current Expenses .....	\$ 16,500.00	\$ 16,500.00
Special Items:		
53. Biological Laboratory Equipment .....	2,000.00	-----
54. Chemistry Laboratory Desks .....	1,500.00	-----
55. Finishing basement room in Chemistry Building to provide necessary labora- tory space .....	500.00	-----
56. Library Equipment and Books, especially reference .....	5,000.00	5,000.00
57. Furnishing offices with desks, chairs and tables .....	2,000.00	-----

	For the Years Ending	
	August 31 1928	August 31 1929
58. Metallurgical Laboratory .....	1,500.00	
Total Special Items .....	\$ 26,000.00	\$ 5,000.00
Grand Total .....	\$119,260.00	\$100,560.00

The amendment was read.

#### Simple Resolution No. 9.

Senator Lewis sent up the following resolution:

Whereas, General J. C. Foster, a distinguished citizen and soldier, is in the City,

Therefore, be it resolved that he be extended the privileges of the floor and invited to address the Senate.

LEWIS,  
HALL,  
BOWERS.

The resolution was read and adopted.

#### Address by General J. C. Foster.

The Chair appointed Senators Lewis, Hall, and Bowers to escort General J. C. Foster to the rostrum.

Senator Hall introduced General Foster the Commander of the Confederate Veterans, who briefly addressed the Senate.

#### Simple Resolution No. 10.

Senator Stuart sent up the following resolution:

Whereas, there is a great deal of work to do in keeping order and handling the crowds that go to and from the Senate Chamber,

Therefore, we consider it necessary to employ two additional employees and we offer the names of R. L. Schmidt as Assistant Sergeant-at-Arms and S. R. Woodruff, Jr., as Doorkeeper of the outer door of the Senate Chamber.

The amendment was read and adopted.

#### Recess.

On the motion of Senator Hall the Senate at 11:55 recessed until this afternoon at 2:00 o'clock p. m.

#### After Recess.

The Senate was called to order at 2:00 p. m. pursuant to recess by Lieutenant Governor Miller.

#### Senate Bill No. 5.

The question recurred upon the amendment by Senator Wood for the College of Mines and Metallurgy.

The amendment was passed by the following vote:

Yeas—16.

Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Real.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Ward.
Love.	Westbrook.
Miller.	Woodward.

Nays—8.

Greer.	Price.
Lewis.	Triplett.
Moore.	Witt.
Neal.	Wood.

Absent.

Hardin.	Russek.
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Absent—Excused.

Bailey.	Reid.
Bledsoe.	

(Pairs Recorded.)

Senator McFarlane announced the following pair:

Senator McFarlane (present), who would vote nay, with Senator Wirtz (absent), who would vote yea.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 107, by inserting between lines 24 and 25, the following:

Associate Professor .....  
\$2,750.00 each year

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 108, by inserting between lines 15 and 16, the following:

Associatiate Professor .....  
\$2,750.00 each year

The amendment was read and adopted.

## Committee Amendment.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 109, by striking out line 23 and inserting in lieu thereof:

Associate Professor .....  
\$3,300.00 each year

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 109, by inserting between lines 24 and 25, the following:

Professor and Director .....  
\$2,600.00 each year

The amendment was read and adopted.

## Committee Amendment.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 110, by inserting between lines 5 and 6, the following:

Associate Professor .....  
\$2,700.00 each year

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 110, by inserting between lines 12 and 13, the following:

Assistant Professor .....  
\$2,250.00 each year

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 111, by inserting between lines 25 and 26, the following:

Assistant Librarian .....  
\$1,800.00 each year

The amendment was read and adopted.

Senator Miller sent up the following amendment:

Amend Senate Bill No. 5, page 111, between line 22 and 23 by inserting the words, "All salaries listed below shall be on a twelve months basis; all instructional salaries as itemized above shall be on a nine months basis."

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 124, by inserting between lines 26 and 27 the following:

Assistant Professor .....  
\$1,980.00 each year

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 125, by inserting between lines 3 and 4 the following:

Professor of Education .....  
\$2,400.00 each year

The amendment was read and adopted.

Senator Ward sent up the following amendment:

Amend Senate Bill No. 5, page 125, by inserting between lines 30 and 31 the following:

Professor of History .....  
\$2,400.00 each year

The amendment was read and adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 5, page 128, by striking out the figures "\$2000.00" in each column and insert in lieu thereof the figures \$5000.00" in each column.

The amendment was read and on the motion of Senator Wood was tabled.

Senator Moore sent up the following amendment:

Amend Senate Bill No. 5, page 128, by striking out the figures "2000.00" in each column and insert in lieu thereof the figures "5,500.00" in each column.

The amendment was read and on the motion of Senator Wood was tabled.

Senator Moore sent up the following amendment:

Amend Senate Bill No. 5, page 127, lines 23 and 24, by striking out \$25,000.00—\$25,000.00 and inserting in lieu thereof \$48,200—\$48,200.00.

The amendment was read.

Senator Wood moved to table the motion.

The motion to table prevailed by the following vote:

Yeas—14.

Bowers.                      Floyd.  
Fairchild.                  Hall.

Holbrook.	Russek.
Lewis.	Triplett.
McFarlane.	Witt.
Miller.	Wood.
Real.	Woodward.

## Nays—11.

Berkeley.	Parr.
Greer.	Smith.
Hardin.	Stuart.
Love.	Ward.
Moore.	Westbrook.
Neal.	

## Absent.

Pollard.	Price.
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## Absent—Excused.

Bailey.	Reid.
Bledsoe.	Wirtz.

Senator Miller sent up the following amendment:

Amend Senate Bill No. 5, page 110, by adding between lines 22 and 23 the following:

Assistant Professor \_\_\_\_\_  
\$2,250.00 each year

The amendment was read and adopted.

Senator Parr sent up the following amendment:

Amend Senate Bill No. 5, page 150 by striking out line 24 and substituting in lieu thereof the following:

Summer School \$25,000.00 \$25,000.00  
The amendment was read.

Senator Wood moved to table the amendment.

The motion to table prevailed by the following vote:

## Yeas—12.

Bowers.	Price.
Fairchild.	Real.
Floyd.	Russek.
Hall.	Westbrook.
Lewis.	Witt.
Miller.	Wood.

## Nays—10.

Berkeley.	Parr.
Greer.	Smith.
Love.	Stuart.
Moore.	Triplett.
Neal.	Ward.

## Absent.

Hardin.	Pollard.
Holbrook.	Woodward.

## Absent—Excused.

Bailey.	Wirtz.
Bledsoe.	

## (Pairs Recorded.)

Senator McFarlane announced the following pair:

Senator McFarlane (present), who would vote yea, with Senator Reed (absent), who would vote nay.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 123, line 22, by striking out all of said line 22.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 152, by striking out lines 10 and 11.

(This item is included in Emergency Appropriation.)

The amendment was read and adopted.

## Corrective Amendments.

Senator Smith sent up the following amendment:

Amend Senate Bill No. 5, page 153, line 21, by striking out the word "twelve," the semi-colon, and the word "now."

Amend Senate Bill No. 5, page 153, line 28, by striking out the word "four" and inserting in lieu thereof the word "two."

Amend Senate Bill No. 5, page 155, by inserting under "Administration" between lines 18 and 19 the words "twelve months," enclosed with parentheses, and by striking out the words "twelve months" in lines 19, 20, 21, 22, 23.

Amend Senate Bill No. 5, page 157, line 28, by striking out the words "Main Building" and inserting in lieu thereof the words "Main and Educational Buildings."

The amendment was read and adopted.

Senator Neal sent up the following amendment:

Amend S. B. No. 5, line 8, page 165, by striking out \$2750.00—\$2750.00 and substituting therefore \$3000.00—\$3000.00.

The amendment was read and on the motion of Senator Wood was tabled.

Senator Berkley sent up the following amendment:

Amend Senate Bill No. 5, page 154, by adding line 22-A:

Assistant Professor of History.....\$1,800.00 \$1,800.00

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 159 of the printed Bill by striking out of line 13 the figures \$1,800.00 for both years and inserting in lieu thereof the figures \$2,000.00 each year.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 159 of the Printed Bill by striking out of line 16 for both years the figures \$1,800.00 and inserting in lieu thereof the figures \$2,250.00 each year.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 159 of the Printed Bill by inserting between lines 22 and 23 the following:

Associate Professor of English and History and Dean of Sub-college Department \$1,800.00 \$1,800.00

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 159, of the Printed Bill by striking out all of line 27 and inserting in lieu thereof the following:

Associate Professor of English... \$2,250.00 \$2,250.00

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 160 of the Printed Bill, by striking out of line 9 the figures \$1,980.00 for both years and inserting in lieu thereof \$2,250.00 each year.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 160 of the Printed Bill by striking out of line 11 the figures \$1,980.00 for both years and inserting in lieu thereof the figures \$2,250.00 for each year.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 160 of the Printed Bill by striking out of line 13 the figures \$1,800.00 for both years and inserting in lieu thereof \$2,150.00 each year.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 160, of the Printed Bill, line 19, by striking out of said line the figures \$2,000.00 for both years and insert in lieu thereof \$2,400.00 each year.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 163 of the Printed Bill by inserting between lines 24 and 25 the following:

To purchase Ford truck .....\$750.00 first year

The amendment was read and adopted.

Senator Berkeley sent up the following amendment:

Amend Senate Bill No. 5, page 159 of the Printed Bill by inserting between lines 25 and 26 the following:

Assistant Professor of Education, History and Science .....\$2,250.00 \$2,250.00

The amendment was read and on the motion of Senator Wood was tabled.

Senator Berkley sent up the following amendment:

Amend Senate Bill No. 5, page 160 of the Printed Bill by inserting between lines 31 and 32 the following:

Janitor & Yardman\$780.00 \$780.00

The amendment was read and on the motion of Senator Wood was tabled.

Senator Berkley sent up the following amendment:



Amend Senate Bill No. 5, page 161, line No. 7, by substituting the figures \$5,000.00 in lieu of the figures \$3,000.00.

The amendment was read and on the motion of Senator Wood was tabled.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 164 by inserting between lines 28 and 29 the following:

**Commercial Branches.**

Professor and Head of Department.....

.....\$3,000.00 each year

Instructor ..... 1,500.00 each year

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 164, by striking out all of lines 28 and 29.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 170, by inserting between lines 31 and 32 the following:

To move dairy barn, fences and to make minor improvements on T-Anchor Ranch .... \$3,000.00 1st. yr.

The amendment was read and adopted.

**Committee Amendment.**

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 73, by inserting between lines 8 and 9, the following:

Physician ..... \$1,000.00 each year

The amendment was read and adopted.

**Committee Amendment.**

Senator Wood sent up the following amendment:

Amend Senate Bill No. 5, page 177, by striking out the figures "87,500.00" in line 20 for the first year, and inserting in lieu thereof the figures "90,000.00" for the first year.

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 5 was put on its third reading and final passage, by the following vote:

Yeas—28.

Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent—Excused.

Bailey.	Reid.
Bledsoe.	Wirtz.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent—Excused.

Bailey.	Reid.
Bledsoe.	Wirtz.

**Senate Concurrent Resolution No. 1.**

Senator Westbrook sent up the following resolution:

Be it resolved by the Senate, the House of Representatives concurring, that all of the State Departments be requested to close tomorrow afternoon so that the officers and employees may have the opportunity of attending the Ball Game to be played

between the Senate and the House, the proceeds of which will go to the unfortunate in this State who are suffering as the result of the recent cyclones.

The resolution was read and adopted.

### Adjournment.

The Senate at 4:40 p. m. o'clock on the motion of Senator Woodward, adjourned until tomorrow (Thursday) morning at 10:00 o'clock p. m.

## APPENDIX.

### Petitions and Memorials.

Putnam Seed & Gin Co.  
Putnam, Texas.

April 29, 1927.

Hon. Archie Parr,  
Austin, Texas.

Dear Mr. Parr:

Just read in this morning's Dallas News an account of the controversy between yourself and the Highway Commission and it is very interesting.

I note that Mr. Johnston says that there is no politics in their appointments, that it is strictly a question of merit and that they want to place men in charge that the people have confidence in.

You might say to Mr. Johnston how much confidence have the people in their assistant engineer T. H. Webb, who after the Bankhead Highway had been contracted through Callahan County and called for rock screenings to bind the rock, that he permitted contractors to substitute white clay instead and come before the court and certified that they had put rock on road when they had not put a yard of rock on the road. They collected rock prices for, or \$1.75 cents per yard, and the clay that they used could have been put on the road for 38 cents. There is no guess work about this as I was with the Highway Department at the time and was placing gravel on road in Coleman County for 38, and what could be done there could have been done in Callahan County.

Judge Ely, member of commission now, was district judge at the time this happened and called the grand jury in and gave them a special

charge on this question and told them that the State and county had been swindled and that they should investigate, and if they did not indict some one they would not do their duty. Eleven out of the twelve said they knew what was going on, but they did not indict anyone. Now Judge Ely says he was the one that got this man Webb on the job, that it was left up to him and he placed him as assistant engineer. You may use this information in any way you care to, as we can substantiate every word by the records and as many as fifty men as good as the State of Texas affords. On with the battle, pour it on them. Let me know what you think of this.

Yours truly,  
J. S. YEAGER.

Two petitions signed by numerous citizens of Gainesville, Texas, opposing the tobacco tax.

A petition signed by numerous citizens of the Fifteenth Senatorial District (Senator Russek's) opposing the tobacco tax.

### Committee on Engrossed Bills.

Committee Room.

Austin, Texas, May 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room.

Austin, Texas, May 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 3 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

## FOURTH DAY.

Senate Chamber,

Austin, Texas,

May 12, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum be-